

rule and, therefore, qualified for inclusion in the reconciliation bill. The opponents of such amendments argued just as strongly that a number of these amendments were extraneous or had no budgetary impact and, therefore, did not qualify for inclusion in the reconciliation bill.

The Parliamentarians had the very difficult task of reaching a final determination in questions such as these on the basis of their interpretations of the requirements of the Budget Act in relation to the Byrd rule as well as the precedents of the Senate in this regard. This is a very difficult and thankless responsibility, which, to my knowledge, was carried out without exception on an objective and fair and equitable basis in every instance.

So I congratulate the Parliamentarians on their performance in connection with the record-setting stream of amendments and the interpretations that had to be determined in relation to many of them during the debate on the reconciliation bill. The Senate and the American people owe these hard-working professional staff members our deep gratitude.

I would be recreant if I did not also compliment the majority leader, Mr. DOLE, and the minority leader, Mr. DASCHLE, and the chairman and the ranking member of the Senate Budget Committee, Mr. DOMENICI and Mr. EXON. The two managers of the bill demonstrated great skill, equanimity, and patience in their work.

The majority leader carried a heavy burden. I think he was fair. He was hard driving, but he succeeded in overcoming the difficulties and problems and was successful in getting Senate action on the bill.

Mr. EXON on this side did us all proud. He likewise was fair, patient, and is to be greatly commended.

Mr. DOMENICI is one of the brightest minds in this Senate. That was evidenced in the way he conducted himself during the markup and management of the bill in the committee and on the floor.

And our own minority leader demonstrated great understanding and reached out to all of the members of the minority, as he always does, and, in my judgment, did a masterful job in his work on behalf of the minority and on behalf of the people that we represent.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. MCCAIN. Mr. President, I want to take a moment to praise the chairman and the ranking member of the Transportation Appropriations Subcommittee. The conference report they have brought to Senate demonstrates their hard work.

Although I would have dealt with some specific issues differently than the conferees did, they deserve our praise.

However, Mr. President, I do want to comment specifically on a few matters contained in the bill.

First, the House bill as passed contained numerous provisions making appropriations for certain projects contingent upon authorization. I am disappointed that this language was dropped in conference.

If we are going to continue to appropriate funds for unauthorized projects—I would hope that if such an appropriation is made subject to authorization that such language will be preserved.

Second, I am also concerned that in certain accounts the funding levels reported out of the conference are higher than the levels approved by either the Senate or the House. Reprioritization of funds in the conference in this manner does raise many legitimate concerns.

Third, the report to accompany the conferenced bill does contain numerous earmarks not contained in the reports that accompanied either the House or Senate bills. I raise this issue not to criticize, but instead to emphasize for the record that such language does not have the force of law, is not binding, and should only be considered as a recommendation to the administration. I would hope the President and the Secretary of Transportation would use their own judgment and spend these funds in a fair, rational manner based on national priorities.

In past years the Transportation appropriations bill has been riddled with earmarks and pork. I am pleased that this year's bill contains substantially fewer earmarks. To be certain, it does contain earmarks and some pork that I would like to have seen been dropped. But on the whole, the bill deserves our praise and support.

Mr. DOMENICI. Mr. President, I rise in support of the conference report to the Department of Transportation and Related Agencies appropriations bill for fiscal year 1996.

I commend both the distinguished chairman of the Appropriations Committee, Chairman HATFIELD, and the chairman of the House Appropriations Subcommittee on Transportation, Congressman WOLF, for bringing us a balanced bill considering current budget constraints.

The conference report provides \$12.7 billion in budget authority and \$11.9

billion in new outlays to fund the programs of the Department of Transportation, including Federal-aid highway, mass transit, aviation, and maritime activities.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals \$13.1 billion in budget authority [BA] and \$37.3 billion in new outlays.

The subcommittee is \$18 million in BA below its 602(b) allocation, and it is essentially at its outlay allocation.

I urge adoption of the conference report.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the final bill be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

### TRANSPORTATION SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE REPORT

(Fiscal year 1996, in millions of dollars)

	Budget authority	Outlays
<b>Nondefense discretionary:</b>		
Outlays from prior-year BA and other actions completed .....	382	25,376
H.R. 2002, conference report .....	12,100	11,378
Scorekeeping adjustment .....		
Subtotal nondefense discretionary .....	12,482	36,754
<b>Mandatory:</b>		
Outlays from prior-year BA and other actions completed .....		60
H.R. 2002, conference report .....	582	521
Adjustment to conform mandatory programs with Budget Resolution assumptions .....	2	— 0
Subtotal mandatory .....	584	581
Adjusted bill total .....	13,066	37,335
<b>Senate Subcommittee 602(b) allocation:</b>		
Defense discretionary .....		
Nondefense discretionary .....	12,500	36,754
Violent crime reduction trust fund .....		
Mandatory .....	584	581
Total allocation .....	13,084	37,335
<b>Adjusted bill total compared to Senate Subcommittee 602(b) allocation:</b>		
Defense discretionary .....		
Nondefense discretionary .....	— 18	— 0
Violent crime reduction trust fund .....		
Mandatory .....		
Total allocation .....	— 18	— 0

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

### TASMAN LIGHT RAIL CORRIDOR, SANTA CLARA COUNTY, CA.

• Mrs. BOXER. Mr. President, I would like to ask the distinguished chairman of the Appropriations Committee if he would engage in a brief colloquy with myself and my colleague from California, Senator FEINSTEIN, regarding a critical San Francisco Bay area transportation project.

Mr. HATFIELD. I would be pleased to address this issue with the Senators from California.

Mrs. BOXER. Thank you, Mr. Chairman. The Tasman corridor light rail project is an integral piece of the local rail agreement fashioned by our regional metropolitan planning organization, the Metropolitan Transportation Commission [MTC]. All of the bay area jurisdictions are a party to this agreement which represents the best in local planning and decisionmaking. When

the California Supreme Court on September 28, invalidated our so-called Measure A, a half-cent sales tax dedicated to many important highway, commuter rail and transit construction projects, the planned-for local match for the Tasman project appeared to be lost. Due to the perseverance of all involved, in the few short weeks since that ruling the Tasman corridor plan has been revised to reflect the new fiscal realities. It has been proposed that only the west extension to Mountain View be built at this time. The 7.5-mile line will cost \$125 million less than the original project, and only 50 percent of its funding will be derived from Federal section 3 new start funds. Of the \$122 million in proposed new starts funding, some \$33 million has already been appropriated and dedicated to the Tasman project by the MTC. The remainder of the funding will come from identified State, local and flexible Federal funding sources authorized under the Intermodal Surface Transportation and Efficiency Act [ISTEA]. This revised plan has the unanimous support of Santa Clara County's Transit Agency Board, and I expect shortly will be approved by the MTC and later included in the California Transportation Commission's revised State Transportation Improvement Program.

I would like to ask the distinguished chairman whether in view of these positive developments, and in deference to the local and regional planning process which has served us so well, he would agree to the following: that if the revised Tasman project secures all requisite Federal, State, and regional approvals in a timely fashion, the \$33 million in unobligated balances referenced in the conference report may be provided by the MTC for the commencement of construction on the Tasman west extension.

Mr. HATFIELD. Yes, that is my understanding.

Mrs. BOXER. I thank the Chairman for his understanding and thoughtful response. At this time I would yield to my distinguished colleague from California, Senator FEINSTEIN, for additional comments.

Mrs. FEINSTEIN. I applaud the efforts of many in the bay area who moved quickly after the court's ruling to make the necessary modifications to the proposed Tasman corridor extension. This project is even more cost effective and compelling today and reflects creative land use planning and promising joint development opportunities. The bay area congressional delegation has rallied around this important project. A similar colloquy occurred in the House with Transportation Appropriations Subcommittee Chairman FRANK WOLF. Our efforts here today represent an important reaffirmation of the value of local and regional planning and decision making, a focus consistent with the goals of ISTEA and more likely to ensure timely and cost-effective project completion. I look forward to working with you, Chairman HATFIELD, in making

certain that the plan for the Tasman west extension is financially sound and continues to enjoy the broad-based support it has in the past.●

#### FERRY BOATS AND FISHERIES

● Mr. STEVENS. Mr. President, I would like to take a moment to address a section of the Transportation appropriations bill that speaks to Federal aid to highways. Specifically, I wish to point out that the Senate included \$17 million for ferry boats and facilities.

My State of Alaska has critical needs for a functioning transportation infrastructure. In the southeastern part of the State this is accomplished with ferries and aviation. As many Members know, this part of Alaska has numerous isolated islands, and road systems that are only local in nature. The extremely mountainous coastline prohibits the Alaskan southeastern towns, including the State Capitol of Juneau, from connecting to any other road system in North America. When the weather is bad, which is quite often in this part of the world, aviation is of limited assistance.

Scheduled ferry service is of immeasurable assistance to the remote southeast towns. If available, a share of the \$17 million would be directed to enhancing the ferry system between the towns of Craig, Whale Pass, Blind Slough, and Wrangell.

I ask the Appropriations Committee chairman, Senator HATFIELD, if it is his understanding that Alaska is a State that can avail itself of a share of these ferry boats and facilities funds?

Mr. HATFIELD. The Senator from Alaska is correct. Alaska may apply for a share of the \$17 million dedicated to ferry boats and facilities.●

#### ESSENTIAL AIR SERVICE

● Mr. BAUCUS. Mr. President, the conference report we are considering today makes dramatic cuts in the essential air service program. In fact, the program will see an almost 30 percent cut in funding this year—from over \$30 million last year to \$22.6 million this year. The statutory language of the conference report maintains the eligibility of EAS communities nationwide—the same number of communities that are eligible today will remain eligible next year.

Therefore, we have a situation where the same number of communities are eligible for EAS funding, yet far fewer dollars are available for the program.

Mr. President, while I remain very concerned with the funding reduction for the EAS program, I am more concerned with language included in the statement of manager's report.

Language included in the statement of manager's report makes it clear that all communities eligible for EAS funding in fiscal year 1995 remain eligible in fiscal year 1996. However, the language continues on to say that the Department "may be required to make prorata reductions in the subsidy or daily/weekly service levels" in order to meet the reduced funding level. In other words, the only discretion the

Department has in meeting these funding reductions is an across-the-board reduction in the level of air service of EAS communities.

This language ties the hands of the Department of Transportation. The statement of managers language is being interpreted to be the only solution available in meeting the reduction in funding.

Mr. President, the purpose of the essential air service program is to provide air service to rural, isolated communities. In my home State of Montana, our seven EAS communities are isolated. They are over 600 miles from a medium or large hub airport. A reduction in air service to these communities would be a real economic blow and would further isolate these folks.

I would ask my friend, the chairman of the Appropriations Committee, if the intent of the conferees was to give the Secretary the discretion to determine the type of program that should exist with \$22.6 million in funding—and the intent was not to place one option above another? There may be other ways to reach this funding level without an across-the-board reduction in the level of service and the Secretary should have the ability to make decisions that would maintain the integrity of the EAS program in the future.

Mr. HATFIELD. Mr. President, I would say to my friend, that the intent of the conferees was to continue to maintain the current eligibility criteria for the essential air service program. However, the decision on how the program should be structured with a reduced funding level should be left to the discretion of the Secretary.

Mr. BAUCUS. Mr. President, I thank my friend. The Senator from Oregon understands the important rule that reliable air service plays in States like Montana and I appreciate his efforts to preserve this program.

At a time when life in rural America is becoming increasingly difficult, reliable air service is a vital link in our transportation network. The essential air service program is just that—it is essential and its integrity should be maintained.

I thank my friend again.●

Mr. MOYNIHAN. Mr. President, I am pleased to note that the conference report for the Department of Transportation appropriations bill includes an appropriation of \$20 million for capital improvements associated with safety-related emergency repairs to Pennsylvania Station in New York City and its associated service building.

Pennsylvania Station is the busiest intermodal station in the Nation, with almost 40 percent of Amtrak's passengers nationwide passing through every day. Unfortunately, it is also the most decrepit of the Northeast corridor stations, others of which, such as Washington, DC's own Union Station, have been renovated with Federal grants. Today, Pennsylvania Station

handles almost 500,000 riders a day in a subterranean complex that demands improvement. According to the New York City Fire Commissioner, there have been nine major fires at the station since 1987. Luckily, these fires have occurred at off-hours; as it stands, the station could not cope with an emergency when it is crowded with the 42,000 souls who pass through every workday between 8 and 9 a.m. In addition, structural steel in the station has shown its age and needs immediate repair. And these are just the most pressing needs.

There is a redevelopment plan to change things for the better, a \$315 million project to renovate the existing Pennsylvania Station and extend it partially into the neighboring historic James A. Farley Post Office, almost doubling the emergency access to the station's platforms which lie far below street level beneath both buildings. Moreover, there is a financing plan in place that could do this with \$100 million from the Federal Government—with this bill, \$51.5 million has already been appropriated—\$100 million from the State and city, and \$115 million from a combination of historic tax credits, bonds supported by revenue from the project's retail component, and building shell improvements by the Postal Service, owner of the James A. Farley Building. On August 31, 1995, Governor Pataki of New York chartered the Pennsylvania Station Redevelopment Corp. to oversee the project, following the signing of a memorandum of agreement by himself, Mayor Giuliani of New York City, Transportation Secretary Federico Peña, and Amtrak President Thomas M. Downs.

Thanks to our colleagues on the Committee on Appropriations, \$20 million can now be used immediately for pressing safety repairs at the existing station and its associated service building, in the first step of the overall redevelopment effort. These Federal funds go toward construction, and they will count toward the Federal share of the \$315 million project to transform the station into a complex capable of safely handling the crowds that have made Pennsylvania Station the Nation's busiest intermodal facility.

For myself and the 75 million other people a year who use the station, I would like to thank all those who have labored hard to make the station safer, in particular our colleagues Senator HATFIELD, Senator BYRD, and Senator LAUTENBERG.

Mr. COHEN. Mr. President, I want to register my opposition to the provisions of the Transportation appropriations conference report that exempt the Federal Aviation Administration [FAA] from Government-wide procurement and personnel rules. These provisions were included by the Appropriations Committee in the Senate passed bill at the recommendation of the FAA and will take effect on April 1, 1996, unless the Congress enacts preemptive FAA reform legislation before then.

The FAA asserts that these exemptions are necessary because personnel and procurement laws have stood in the way of modernizing the FAA's Air Traffic Control System. The FAA's failure to modernize the system, however, is not rooted in the Federal procurement and personnel systems. Instead, it is a symptom of a widespread and serious management deficiency which permeates the FAA. Numerous GAO reports and DOT Inspector General reports over the last 5 years have outlined the problems the FAA has had in modernizing its air traffic control system. These reports have consistently cited poor management, not the procurement or personnel systems, as the primary cause of FAA's failures.

I understand and share the frustration with the lack of progress at the FAA. The air traffic control system designed to keep our skies safe is crumbling, and each failure of the system leads to a chorus of calls for action. Regrettably, however, out of frustration at the FAA's inability to succeed in modernizing our air traffic control system, Congress is about to grant a special dispensation to an agency that has not earned it and is ill-prepared to accept the responsibilities that such an exemption will require. If the FAA was better at managing than denying there is a problem, defending its poor performance, and deflecting criticism away from the agency, we would have replaced our air traffic control system years ago and would not have 1950's and 1960's technology guiding our Nation's air traffic.

I have been working over the past 3 years to enable Federal agencies such as the FAA to more effectively incorporate advanced computer technology into its operations. Last year, I issued a report that documented how the Federal procurement process contributes to the Government buying outdated technology but also how poor FAA management led to the disaster of the present air traffic control system. Specifically, FAA has failed in its modernization efforts, wasted billions of taxpayer dollars and still has not been able to update its computer systems since the mid-1960's due to consistently poor management. Meanwhile, the Nation's air traffic control system is wearing out. To keep the system running, the FAA must search Radio Shack for spare parts and buy vacuum tubes from Third World manufacturers because no one in the United States makes them anymore.

While it takes the Federal Government an average of 4 years compared to 1 year in the private sector to buy new technology, 30-year-old FAA computers are failing with increasing frequency in Chicago, Dallas, New York and elsewhere across the country. While the Government's antiquated procurement rules definitely slow down the process and may add years to computer buys, the rules do not explain why the FAA has not modernized its systems in decades or explain how scores of other

agencies have been able to work within the rules to replace antiquated vacuum tube computers and radars.

I am working to accomplish reforms to the Federal procurement system. This year I introduced The Information Technology Management Reform Act of 1995 which was approved as an amendment to the fiscal year 1996 Defense authorization bill. The amendment includes significant changes to existing procurement regulations and procedures which would help agencies such as the FAA buy technology by providing relief from cumbersome requirements while ensuring a reasonable and responsible approach.

Among other provisions, the amendment repeals the Brooks Act, authorizes commercial-like buying procedures, and emphasizes the results of the procurement process rather than the process itself while holding agencies like the FAA accountable for their results. The Senate is now conferring this amendment with the House proposed procurement reform bill put forward by Representatives CLINGER and SPENCE. The House has proposed serious reform in the area of streamlining the procurement process, conducting efficient competitions and making it easier to buy commercial products. I believe we will be successful in getting these proposals enacted into law and these reforms will give FAA the flexibility to effectively buy the technology it needs.

These reforms, however, will not guarantee success. We can legislate the framework for effective management to take place, but we cannot legislate good management. While we need to reform the way the Government buys computers, the FAA's failure to modernize the air traffic control system is not derived from legislated procurement and personnel requirements. It is the lack of adequate planning and a constantly changing road map of where the FAA is going that has impeded completion of the modernization effort. This is caused by managers not knowing what they want and continually changing program requirements which drives up the cost to the taxpayer.

The problem is that no one, including Congress, has ever held FAA's managers accountable for their failures. Management problems at FAA will not be solved by the exemptions contained in the appropriations bill. To the contrary, I believe the exemptions will result in more cost and less results. The exemptions do nothing to deal with the fundamental problem of poor management at the FAA.

The proposed exemptions, in addition to lacking merit, also set a dangerous precedent. Having seen the FAA's success in avoiding accountability and obtaining special treatment, other agencies may seek similar legislative exemptions. If Congress acquiesces to these piecemeal approaches, the Federal Government will be plagued by conflicting and contradictory procurement laws and personnel systems

which will make it harder—not easier—to do business with the Government. Industry will have to learn literally hundreds of procurement systems. The rational approach is to have one procurement system in the Government that addresses the problems which may be perceived to be unique to FAA, but are common in every agency.

This conference report undermines ongoing efforts to enact Government-wide procurement reform, as well as rewards inept management at the FAA with exemptions from oversight rules when they are most needed. If the conference report is adopted, as I expect it will be, I urge the administration and FAA to use the new discretion authorized by the bill wisely and I urge my colleagues to hold FAA accountable for its progress in modernizing the Nation's air traffic control system. By absolving the FAA of its responsibility for past failures, Congress must now provide greater oversight of what FAA does with its new powers.

The new authority under this bill will not go into effect if Congress enacts FAA reform legislation by April 1 of next year. When the Commerce Committee marks up its own bill to meet this deadline, I urge the committee members to look at what the Congress and the administration are doing to streamline the procurement process. They will then see that we are fixing the procurement system on a Government-wide basis, and they can then focus on the real issue of managerial reform at FAA. For it is only through more effective management that the FAA will be able to efficiently and effectively modernize the air traffic control system and confront the other challenges to aviation safety in the 21st century.

Mr. DORGAN. Mr. President, I wanted to draw attention to something that is mysteriously missing from the conference report on the Transportation appropriations bill. The provision I am concerned about does not involve spending more or less money. Rather, I am concerned about a provision that called for an important study to be done by the Department of Transportation on the question of air fares and whether or not rural areas are paying more and getting less service.

When the Senate considered this bill, an amendment I offered was adopted without any objections. That amendment, which was cosponsored by Senators DOLE, SNOWE, and CONRAD would have required the Department of Transportation to conduct a study on air fares. There was no opposition expressed in the Senate and the Department itself supported the study.

Mr. President, I ask unanimous consent that a letter I received from Transportation Secretary Federico Peña supporting this provision be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF TRANSPORTATION,  
Washington, DC.

Hon. BYRON DORGAN,  
U.S. Senate, Washington, DC.

DEAR SENATOR DORGAN: I am writing this letter in order to endorse the study of air fares and service at small communities that you recently proposed. Since many changes have taken place within the airline industry since deregulation and some of these have affected small communities, I fully agree that a study of fares and service at small communities would be beneficial. I am aware that the General Accounting Office is currently conducting a similar study of small community issues. However, I believe the studies are somewhat different in their focus and I, therefore, endorse your study.

Your recommended approach to the study would compare and evaluate actual air fares and fares adjusted for distance for service between nonhub airports and large hub airports with fares for service between large hub airports. The study also would analyze service at nonhub airports with respect to the operations of regional and major airlines, the types of equipment used, and the levels of competition among commercial carriers.

In order to get a statistically valid comparison, it may be necessary to conduct a survey of regional carriers to get a more valid data set, which may require additional time to conduct a thorough study. We will also endeavor to study the overall fares paid at small communities compared to fares paid at hub airports.

I look forward to working with you and your staff on this project. If we may be of further assistance, please contact me or Steven Palmer, Assistant Secretary for Governmental Affairs, at (202) 366-4573.

Sincerely,

FEDERICO PEÑA.

Mr. DORGAN. It seems to me that we need to make some changes in aviation policy in this country and stop ignoring the fact that rural regions are suffering a serious decline in air service. The airline industry has undergone many changes since deregulation in the early 1980's. The invisible hand of competition replaced the assuring hand of government in the aviation marketplace. As a result, some areas of the country have seen lower prices and more choices in service. In other parts of the country, namely in rural areas, we have seen dramatic losses in air service and higher prices.

I realize that the General Accounting Office has studied the impact that deregulation has had on air fares in previous years. However, my sense is that air service is changing rapidly and it seems to me that more examination of air fares, especially for small rural communities, is needed.

A November 1990 report on "Deregulation and Trends in Airfares at Small and Medium-Sized Communities," found that overall, average fares per passenger mile were more than 9 percent lower in 1988 than in 1979 at small and medium-sized airports and about 5 percent lower at airports serving large communities.

It seems to me that the Department of Transportation should be paying some more attention to the problems of rural America when it comes to air service. Most experts in town and at the Department of Transportation have pledged allegiance to the god of deregulation. They espouse the great virtues

of deregulation and the tremendous benefits that the free market has brought in the form of more choices and lower air fares. They are right—but only half right. The fact is that the benefits of deregulation are only the rosy part of the picture. The story not being told enough is the negative effects deregulation has had on smaller, rural communities.

I offered this amendment because it seems that it is very important that the Department of Transportation begin focusing on the impact that deregulation has had on air service in rural areas. I am fully aware that the General Accounting Office [GAO] is currently conducting a similar study. I support that but I also believe that we cannot be satisfied with just having the GAO examining this issue.

The amendment I offered and the Senate adopted would have laid out specific areas for the Department to study, including comparison of air fares in hub markets where there is a concentration of service with fares at competitive hub markets. In addition, this study would have conducted, for the first time I believe, an analysis on the level of service that rural areas are receiving and document which rural markets have had jet service replaced with turbo prop service.

Now this provision was mysteriously dropped, despite the fact that the Department supported it and that it was cosponsored by a bipartisan group of Senators—including the majority leader. It makes no sense that this provision was dropped.

This is one of the primary reasons why I am voting against this bill. I strongly believe that this amendment should have been included in the conference report and no reasonable explanation has been provided as to why it was dropped.

I also oppose this conference report because of the significant cuts to critical rural programs.

#### ESSENTIAL AIR SERVICE [EAS] REDUCTIONS

The report cuts EAS by about \$11 million from last year's level of \$33 million. I think that these cuts are going to hurt and that a permanent funding mechanism needs to be found for the EAS program. However, before a permanent solution can be developed, it makes no sense to cut this program to this degree. The EAS program is making the difference between air service and no air service in many rural communities. Cuts of this magnitude will certainly be felt.

I do not believe that cutting the EAS program is justifiable in light of the essential role this program plays in providing air service to rural America. Deregulation has benefited some highly traveled areas of the country and rural areas have suffered. The EAS program was designed to protect rural areas and this bill strikes a critical blow at this important program.

LOCAL RAIL FREIGHT ASSISTANCE PROGRAM  
RESTORED

The Senate defeated an amendment offered by Senator PRESSLER to restore funding for the Local Rail Freight Assistance program [LRFA]. This program provides support to restore rail links that are likely to be abandoned. It has been a very important program in my home state of North Dakota.

The LRFA program received \$17 million last year, of which \$6 million was rescinded. Neither the House nor the Senate bill provided funding for LRFA and the conference report does not provide any funding. Although I am pleased that the conference report included an amendment that would authorize the State of North Dakota to spend \$2.3 million to restore a rail line in Wahpeton, ND, I do not support the elimination of this important program.

## INTERSTATE COMMERCE COMMISSION PHASE-OUT

The conference report provides for \$13.4 million for one quarter for the ICC for salaries and expenses and assumes that the ICC will be eliminated and that legislation providing for the continuation of statutory obligations under the jurisdiction of the ICC will be enacted this year. The question as to what happens if the Congress fails to pass such legislation has not been answered. The statutory obligations will remain but the agency that has the sole jurisdiction to enforce them will have no funding to enforce them.

It makes no sense to me that funding for the ICC should be eliminated before the Congress has provided for an efficient way to address the statutory obligations that will continue to exist if the Commission is eliminated.

## AIRPORT IMPROVEMENT PROGRAM GRANTS

The Report provides \$1.45 billion in the grants-in-aid for airports program [AIP] instead of the \$1.6 billion provided under the House bill and the \$1.25 billion under the Senate bill. I am very concerned that this level of funding will not be adequate to maintain safe airports and our Nation's transportation infrastructure is in danger of crumbling at these funding levels.

## CONCLUSION

Programs like EAS and LRFA are vitally important to rural areas—in fact, they are exclusively rural transportation programs. Both these programs have been seriously cut and in the case of LRFA, eliminated.

At the same time, there is substantial support for transportation programs designed to help urban areas, such as high speed rail and mass transit. Examples include:

\$115 million for the northeast corridor improvement program (instead of the \$100 million provided by the Senate and \$130 million provided by the House).

\$19.2 million for high speed rail studies, corridor planning, development, and demonstration (instead of the \$10 million provided by the House and \$20 million provided by the Senate). These funds will be allocated to Chicago, Detroit, St. Louis, and New York.

The report provides for \$42 million for the Federal Transit Administration (FTA does have some rural programs but urban areas primarily benefit from mass transit). In addition, the report provides \$85 million for transit planning and research.

Mr. President, this legislation reflects the wrong priorities for this country's transportation needs and that is why I am voting against this legislation.

Mrs. BOXER. Mr. President, I am voting "aye" today on the conference report on transportation appropriations for fiscal year 1996. But I must say that it is not without disappointment that we have not fulfilled our responsibility to maintain and enhance the transportation infrastructure in the United States.

It is a status quo budget for the most part of my State of California, and that means we are continuing to fall behind our needs to repair our highways, transit systems and airports. That failure also means that we cannot fulfill our potential economic productivity. That is a loss for our Nation as well as my State.

Nevertheless, in this extremely tight budget year the conference agreement does provide some needed assistance for California.

I am pleased to see that the conferees were able to increase funding for the Federal Aviation Administration, particularly in the areas of facilities and equipment. The operations budget in the conference agreement is higher than the amount funded in either the Senate or House bills. California is the site of several major air traffic control installations and we must continue to upgrade this critical equipment. I appreciate the conferees support for the FAA's operating budget for air traffic control operations and maintenance activities which enhance aviation safety and security.

Highway funding has increased overall, but unfortunately it is still stagnant for California, the State that has contributed the most to the Highway Trust Fund for nearly 40 years.

The agreement includes significant funding for new buses and intermodal transportation centers in California.

These include \$500,000 for the Sunline Transit System, which has a remarkable program promoting a total fleet of natural gas buses; \$1.5 million for needed bus replacement and parts for Long Beach Transit; \$8 million to complete the Gateway intermodal center in Los Angeles; \$5 million for the San Ysidro Intermodal Center in San Diego to help relieve worsening congestion at our international border; \$6.7 million for new buses throughout the bay area, plus \$2.3 million for bay area paratransit buses and other improvements to help the disabled; \$9.75 million for Foothills Transit in the San Gabriel Valley; \$5.3 million for clean fuel buses, paratransit buses, and other improvements for the growing San Joaquin Rapid Transit District; \$1.5 million to

replace a bus facility destroyed by the Loma Prieta earthquake and provide consolidated services in Santa Cruz; \$1.2 million for park and ride facilities on congested U.S. 101 in Sonoma County; \$600,000 for a bus facility in Ventura County; and \$1.5 million to purchase buses for Yolo County.

The conference agreement also provides \$5 million for the advanced technology transit bus, under development by Northrop and the Los Angeles MTA. Although the amount is less than the President's request, I appreciate the continuing support for this project by the Senate Appropriations Committee.

I am very concerned over a loss of approximately \$100 million in transit system funding. A great part of this loss is attributable to the cuts in operating assistance in both Houses and to a dramatic cut in funding for the Los Angeles Metropolitan Transportation Authority's Red Line extension.

I share the Appropriations Committee's concern over the management of this project. However, I believe the MTA has grasped the gravity of these problems and has taken demonstrable steps to correct them. I am pleased the Senate committee members agreed to our requests to increase the funding from \$45 million for the project in the Senate bill to \$85 million in the final conference report.

I am, however, disappointed at the cut in funding for the bay area rail extension program. The final agreement of \$10 million for the bay area rapid transit district is well below the Senate level of \$22.6 million. This cut was not justified considering the major local match provided for rail extension in the region and the willingness of the district to reduce its airport extension project by \$200 million this summer.

Finally, I regret that the conference committee was unable to provide assistance for the Alameda Transportation Corridor project to consolidate rail and highway access to the ports of Los Angeles and Long Beach, eliminating more than 200 grade crossings. We have asked for appropriations seed money to enable the project to take advantage of the Federal infrastructure bank already authorized under section 1105 of the Intermodal Surface Transportation and Efficiency Act [ISTEA]. The Senate committee adopted a State infrastructure bank alternative instead and then dropped the idea in conference with the House.

California has 15,000 miles of State highways, 675 miles of rail transit, and 10,000 buses. California's State Transportation Improvement Program faces a \$5 billion shortfall, and an annual highway and road maintenance deficit of \$800 million. We are in danger of losing what we have. There is a lot of talk about how huge budget deficits leave a horrible inheritance for our children, and I agree. However, a decayed and crumbling infrastructure is no less horrible for our children to inherit.

The bill is still due. The infrastructure deficit is increasing. But today we only provide a partial payment.

Mr. BYRD. Mr. President, on behalf of Mr. DOLE, the majority leader, I ask unanimous consent that the vote on the adoption of the transportation conference report occur at 2:15 p.m. today and that paragraph 4 of rule 12 be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

### THE CONSERVATION TITLE

Mr. GRASSLEY. Madam President, it is my pleasure today to introduce a bill with the distinguished majority leader, Senator DOLE, the chairman of the Senate Agriculture Committee, Senator LUGAR, and the chairman of the Agriculture Subcommittee on Conservation, Senator CRAIG. This bill amends the conservation title of the farm bill that will be considered later in this Congress.

Madam President, my experience with this legislation that has been on the books for the last 10 years has generally been very favorable. I say that as a farmer, and I say that as a person who visits, as I have occasion to do now, at harvest time with my neighbors at the local New Hartford cooperative grain elevator in my State of Iowa; I say that with 10 years of experience of having hundreds of town meetings around my State, whereas, I do not find much opposition to what we passed 10 years ago.

So my legislation that we are introducing is not finding fault in any way with the basic premise of the legislation 10 years ago, but to make sure that that legislation fits, with the premise that existed 10 years ago, the intent of Congress at that particular time; and also at a time when we are in the process of cutting back Government support for agriculture, as we intend to balance the budget.

Last week, as you remember, the Senate approved the reconciliation bill, and that will bring the Federal budget into balance by the year 2002. And we do not wait until 2002 to start that. We started that last fiscal year when, earlier this calendar year, we passed the rescissions bill.

Now, in order to achieve the savings necessary to balance the budget, many difficult decisions had to be made, many difficult votes had to be cast, and

all Federal programs were examined to save money. The farm programs, then, were no exception. Throughout the entire budget process, I have argued that farmers are willing to share in the effort to balance the budget because they have a lot to gain if the budget is balanced. However, I do feel that it is vital to rural America and family farmers that any cut in farm programs be coupled with, on the first hand, tax reform, and on the second, a reduction in the regulatory burden placed on farmers.

I want to emphasize, with regard to the legislation of 1985, the soil conservation provisions and the antiswampbusting, antisodbusting provisions. When I talk about regulatory reform, I do not mean changing the original intent of that legislation. I simply mean in keeping the enforcement of that legislation to its original intent.

Put simply, then, Madam President, this bill will dramatically cut the red-tape and the regulations that farmers have to deal with while continuing, then, to maintain the conservation gains that we have made since the passage of the 1985 legislation.

I want to emphasize, regardless of the rhetoric you may hear, this bill does not jeopardize in any way the environment or the conservation gains that farmers have made since 1985. These conservation gains have been tremendous.

They have been made basically because of a timeframe that farmers could adjust economically to the requirements of the law and an opportunity to educate people about the process so that it could be self-enforcing.

What this bill does, then, is give farmers and the Department of Agriculture additional tools and flexibility to meet these conservation objectives.

Madam President, the bill addresses four major areas within the conservation title. What is called a CRP program, the conservation reserve program, the wetlands reserve provision, the conservation compliance provisions and swampbuster.

I want to briefly discuss those areas as it relates to the reforms that the four of us—Senator DOLE, myself, Senator LUGAR, and Senator CRAIG—propose.

Madam President, since the 1985 farm bill, farmers participating in the farm program have been required to comply with two regulatory mandates regarding conservation. The program referred to as the swampbuster program prohibits farmers from converting wetlands for crop production. No argument with that.

The program referred to as the sodbuster prohibits farmers from producing a crop on highly erodible land unless they comply with an approved conservation plan. It does not mean you cannot operate your farm the way you want to, but it does mean that if you do it you will do it in a way that

shows good stewardship of the soil. Also, good stewardship of the soil means better economic return; most importantly, a good resource for future generations is preserved.

In general, the sodbuster program has been received favorably by farmers, and the compliance rate has been very high. Again, I want to emphasize that. That is what I hear on Saturdays when I take grain to the local New Hartford cooperative grain elevator where I visit with my neighbors, but it is also something I hear in 99 counties around Iowa that I hold town meetings in each year.

That is because in Iowa there has been a willingness to cooperate. There has also been some lever—if you want to participate in a farm program, you have to have good soil conservation practices or you will not get the safety net of agriculture. Compliance has been very, very good because it is estimated in my State that 95 percent or better of farmers have compliance with soil conservation plans.

These are plans that they have determined will cut down on erosion on their own farm, and all they have to do is get that plan approved and then farm according to what they felt was a plan that would best fit their farming operation.

This is not one-size-fits-all approach. If you got 98,000 different farming units in the State of Iowa, you would have 98,000 different individual plans. Quite frankly, there is probably more than that. There must be, I guess. Anyway, there are that many individual farming operations. But you could have more than that number of plans.

Now, after 10 years of working with the program, it is obvious that improvements can be made to streamline the regulations and give more flexibility to both the farmer and the Department of Agriculture.

Even more significantly, Madam President, this bill attempts to put Natural Resource Conservation Service, which used to be known as Soil Conservation Service from the 1920's, until 2 years ago, it will put this segment of the Department of Agriculture back into the position of working with farmers instead of working against them.

Let me digress for a minute to explain that this situation now is kind of contentious between the farmers and Soil Conservation Service. It used to be you go into the Office of the Soil Conservation Service. You would sit down across from the desk of these State and Federal employees, and you go in and say to them, "Joe, I have a problem here on my farm. I have this tremendous amount of erosion here. What can I do about it?" Joe, being an expert trained in soil conservation would say to CHUCK GRASSLEY, "Well, I think this is what you need to do. You can do it this way, that is less expensive and might be able to accomplish the goal, or you can put in terraces, much more